

Jeff Silvestri, Esq. (NSBN 5779)  
Karyna M. Armstrong, Esq. (NSBN 16044)  
MCDONALD CARANO LLP  
2300 West Sahara Avenue, Suite 1200  
Las Vegas, Nevada 89102  
Telephone: (702) 873-4100  
jsilvestri@mcdonaldcarano.com  
karmstrong@mcdonaldcarano.com

*Attorneys for Defendant, Capital One Bank  
(USA), N.A.*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

Francis Wooters,

Plaintiff,

v.

Experian Information Solutions, Inc.,  
Trans Union, LLC, Innovis Data  
Solutions, Inc., Bank of America,  
N.A., Marlette Funding, LLC dba Best  
Egg, Capital One Bank (USA) N.A.,  
First National Bank of Omaha,  
JPMorgan Chase Bank, NA., HSBC  
Bank USA, N.A. and Synchrony  
Financial dba SYNCB/Car Care Pep  
Boys,

Defendants.

Case No. 2:22-cv-01691-CDS-BNW

**STIPULATION TO EXTEND TIME TO  
RESPOND TO COMPLAINT**

**(FIRST REQUEST)**

Pursuant to Local Rules 6-1 and 6-2, defendant Capital One Bank (USA), N.A. (“Capital One”), and plaintiff Francis Wooters (“Plaintiff”), by and through their counsel of record, hereby submit this Stipulation to Extend Capital One’s Time to Respond to Plaintiff’s Complaint, as follows:

**WHEREAS:**

1. Plaintiff filed the Complaint in this matter in this Court on October 6, 2022;
2. Capital One was served with the Complaint on October 10, 2022, which provided for

1 a responsive pleading deadline of October 31, 2022;

2 3. The Parties recognize that under LR IA 6-1 stipulations for an extension of time made  
3 after the expiration of the responsive pleading deadline will not be granted unless the moving party  
4 can demonstrate that the failure to act was the result of excusable neglect. The showing of excusable  
5 neglect is as follows:

6 Counsel was first contacted and retained in this matter on October 26, 2022. On October 27,  
7 2022, counsel for the undersigned parties agreed to extend Capital One's responsive  
8 pleading deadline to allow sufficient time to obtain and review Capital One's internal files  
9 pertaining to the allegations in the Complaint and prepare its response. That same day, on  
10 October 27, 2022, Capital One circulated a stipulation memorializing this agreement, which  
11 was approved by Plaintiff on October 27, 2022 and filed on November 1, 2022. This  
12 stipulation is filed in good faith and not intended to cause delay.

13 4. Capital One conferred with counsel for Plaintiff regarding Capital One's initial findings  
14 and request for information, which may have an impact on whether an early resolution is available  
15 before incurring further litigation costs;

16 5. While the parties continue to discuss, and Capital One continues to research Plaintiff's  
17 allegations, the parties agreed to an extension for Capital One to file its response to the Complaint,  
18 such that the responsive pleading deadline would be December 1, 2022;

19 6. This is the first extension sought in connection with this deadline;

20 7. This extension is requested to allow the parties time to continue investigating Plaintiff's  
21 claims and exploring the potential for an early resolution; and

22 8. Neither Plaintiff nor any other party to this action will be prejudiced by the Court  
23 granting Capital One the requested relief. Also, the requested extension is not for the purposes of  
24 unnecessary delay.

25 ///

26 ///

27 ///

**NOW, THEREFORE, IT IS HEREBY STIPULATED THAT:**

Capital One's time to file a responsive pleading to Plaintiff's Complaint is extended. Capital One shall file its responsive pleading on or before December 1, 2022.

DATED: November 4, 2022

DATED: November 4, 2022

KIND LAW

MCDONALD CARANO LLP

By: /s/ Michael Kind

By: /s/ Karyna M. Armstrong

Michael Kind (NSBN 13903)  
8860 South Maryland Parkway, Ste. 106  
Las Vegas, Nevada 89123

Jeff Silvestri (NSBN 5779)  
Karyna M. Armstrong (NSBN 16044)  
2300 West Sahara Avenue, Ste. 1200  
Las Vegas, Nevada 89102

*Attorneys for Plaintiff Shawn Walker*

*Attorneys for Defendant, Capital One  
Bank (USA), N.A.*

IT IS SO ORDERED:

  
UNITED STATES DISTRICT COURT JUDGE

DATED: November 7, 2022